

CITY OF HOUSTON

PLANNING & DEVELOPMENT DEPARTMENT

¹REPLAT NOTIFICATION AND PUBLIC HEARINGS

I. Notification and Public Hearing

All replats, without vacation of the preceding plat, must comply with the following requirements for notification and public hearings under the provisions of Chapter 212 of the Local Government Code if:

- A. During the preceding five years, any portion of the area proposed to be replatted was limited by either an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
- B. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

II. Submittal Requirements

Along with the standard plat submittal requirements, the following information must be submitted no later than 12:00 noon Friday, the week of plat submittal:

- A. **Written statement** indicating intent to seek commission approval under the requirements of Chapter 212 of the Local Government Code.
- B. A **certified list** (not more than 30 days old) of all owners of property as such ownership appears on the last approved ad valorem tax rolls of either the city or county within which such property is located, which are required to be given written notice of such replat under the provisions of Chapter 212 of the Local Government Code. A certified list may be a Title Report or a list compiled from the Harris County Appraisal District Tax Statements (you must include a copy of the tax statement for each property owner).
- C. An **affidavit** in separate writing signed by all owners of property within the proposed replat which attests that the proposed replat "does not attempt to alter, amend or remove any covenants or restrictions" (see sample A).
- D. One **stamped envelope addressed**² to each landowner indicated on either the title report or the tax roll list as required above. Provide one copy of the required notice for adjacent property owners (see samples B and C). *Indicate the lot and block numbers, or reserve letters, corresponding to each landowner on the front lower left-hand corner of each envelope.*
- E. Provide one **copy of Legal Notice** (see samples D and E) and one **copy of Property Owner Letter** for staff review. Metered mail will not be accepted.
- F. Provide **one map** identifying the proposed replat and all surrounding properties of owners to be notified.
- G. A current title report (less than 30 days old) for the property to be replatted and any applicable deed restrictions.
- H. Copy of the original plat(s) that the area is being replatted from will need to be included in with the package

III. Establishing the Public Hearing

² Envelope must NOT have a return address on it, i.e. company or personal address

- A. Upon determining that all required documents and related information are correct and complete, the Director will place the request to establish a public hearing date on the next Houston Planning Commission meeting.
- B. In order to allow sufficient time for notification, the Houston Planning Commission will establish the public hearing to be held on or about four (4) weeks from the date of the meeting at which the hearing is established.

IV. Notification

Notification of the public hearing shall be post marked 16 days before the hearing.

- A. **Newspaper:** The Director will authorize the publication of the required notification of public hearing after the Commission establishes a date for said hearing. After this authorization is given, **the applicant** must provide for the publication of notification (see sample D and E) in the Houston Chronicle for one day. The Department must be provided with a publication affidavit from said newspaper within one (1) week after authorization.
- B. **Letters:** The City is required to mail out written notice of the public hearing to owners of property within the original plat boundary and that are within 200 feet of the property to be replatted (See Sample "G").
 - 1. Public Hearings **within the city limits requesting a variance or special exception** require notification to 250 feet of the property being replatted, regardless of subdivision. Those properties lying within the 200 to 250 foot notification area will **receive a variance or special exception letter only (see sample C-1 and C-2).**
 - 2. The applicant will differentiate between those property owners that will receive a public hearing letter and those that will receive a variance or special exception letter by marking each envelope appropriately (See Sample "G").
- C. **Sign:** The **applicant** is responsible for posting signs on the property to be replatted by the 16th day before the date of the public hearing (See Samples "F" and "F-2"). A sign (minimum size: 4' x 8') shall be placed within fifteen feet **from each right-of-way** bordering the site. Each sign shall face the R-O-W with print large enough to be legible from the ROW. The applicant is responsible for contacting staff once the signs are in place. The applicant shall use reasonable efforts to maintain the signs.

V. Protests

- A. For a legal protest, written instruments signed by the respective owners must be submitted to the Houston Planning Commission prior to the close of the public hearing. A written instrument is considered to be a signed letter with a statement indicating that the property owner objects to the proposed replat.
- B. When the proposed replat requires a variance and is protested by owners of at least 20% of the land area located within 200 feet of the proposed replat yet within the original plat boundary, the Commission can only approve the replat by an affirmative vote of at least three-fourths (3/4) of the commission members present. As with all plats containing variance request, the Commission has discretion to approve or disapprove the plat.

- C. For purposes of calculating the 20% land area threshold, the following will apply:
- (1) The total land area shall include only those lots, reserves, or others officially recognized land parcels which are or were part of the original subdivision plat, and are within 200 feet of the proposed replat;
 - (2) Where the 200-foot demarcation splits a lot, reserve or other officially recognized land parcel, only the portion that lies within the 200-foot demarcation will be included within the total land area calculation;
 - (3) The area will also include all right-of-ways (streets and alleys). For purposes of these calculations, right-of-way will be apportioned proportionately to the respective abutting properties;
 - (4) The proposed replat is excluded from the calculations;
 - (5) Upon computing the total land area, 20% of this total shall constitute the threshold for the protest to require the three-fourths (3/4) favorable vote;
 - (6) For purposes of protest, each lot, reserve, and officially recognized land parcel shall have one vote which is proportionately equal to the total land area of said lot, reserve, or officially recognized land parcel. This means that each vote is “weighed” proportionally to the land area it represents;
 - (7) For properties held in common, such as condominiums, the association shall have one (1) vote.

VI. Exclusions

- A. Compliance with Section V above does not apply to replats when the area to be replatted was designated or reserved for other than single or duplex.

**Public Hearing Events
Sequence**

Monday Day 1	Public Hearing package is submitted. Package reviewed by staff. Applicant contacted regarding any deficiencies.
Friday Day 5	DEADLINE. 12:00 noon, applicant must make up all deficiencies.
Thursday Day 11	Public hearing is established to 4 weeks from this date.
Friday Day 12	The applicant will be emailed verifying that the application has been established for the appropriate public hearing date and to advise the applicant when to publish legal notice and post their signs.
Tuesday Day 22	DEADLINE #1: Legal notice must be published no later than this date, and written notices to be mailed out to property owners. DEADLINE #2: Sign(s) must be posted on property.
Friday Day 33	DEADLINE. Applicant to submit the affidavit from the newspaper for publication of legal notice. Must submit within ten (10) days of publication.
Thursday Day 39	Public hearing is held (for preliminary plat approval). All written protests must be submitted before the close of the public hearing.

SAMPLE "A"
Affidavit for Owner

THE STATE OF TEXAS
COUNTY OF HARRIS

WHEREAS, the undersigned (*name of owner and address*) is the owner of

(*Legal Description by Lot/Reserves & Blocks*), (*name of subdivision*), an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume _____, page _____, of the Map Records _____.

and

WHEREAS, (*name of owner / company*) desires to establish (*name of subdivision*).

NOW, THEREFORE, know all men by these presents that the undersigned confirms that _____ will not alter, amend, or remove any of the covenants or restriction set forth on the record plat described above or in any recorded deed restriction applicable to the above referenced property.

EXECUTED this the _____ day of _____, 20XX.

(name of company)

By: _____
(print name)

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL this the _____ day of _____, 20XX.

Notary Public in and for
the State of Texas

SAMPLE "B"
Adjacent Property Owners Notice For Public Hearings *Without Variance*

Dear Property Owner:

The Houston Planning and Development Department has received a subdivision plat application to allow the replatting (or partial replatting) of _____ subdivision. This proposal includes the replatting of all or part of lots ____ block ____ as recorded in Volume __, Page __, of the Harris County Map Records. The new subdivision name is _____.

The property is located (site address, side of street between what street intersections, or a.k.a.).

The purpose of the replat is to _____.

The applicant, _____, on behalf of _____ can be contacted at (telephone number).

Pursuant to Local Government Code 212.015 and the City of Houston's Code of Ordinances, Chapter 42 the Planning Commission has established a public hearing date for this item. As required, the Planning Department is sending you written notice of the public hearing. The requirements for notification specify that notice be mailed to owners of property within the ____ (original subdivision) subdivision boundary that are within 200 feet of the proposed replat.

A sign has been posted on site indicating the public hearing date, location and time. There are no variances being requested with this item. It appears that this replat conforms with all Chapter 42 requirements.

You may speak regarding this replat at the public hearing on:

Thursday, (Month, day, year)
2:30 p.m.
City Hall Annex Building, 900 Bagby Street
City Council Chamber, Public Level
Houston, Texas

For additional information contact Planning Department personnel at 713/837-7701 and ask for Carolyn Horner.

Be advised that state law requires the Houston Planning Commission to approve each subdivision plat and replat that complies with the provisions of Chapter 42 and any other applicable laws and requirements.

SAMPLE "C"
Adjacent Property Owners Notice For Public Hearings Requiring Variance(s) or Special Exception(s)

Dear Property Owner:

The Houston Planning and Development Department has received a subdivision plat application to allow the replatting (or partial replatting) of _____ subdivision. This proposal includes the replatting of all or part of lots ____ block ____ as recorded in Volume __, Page __, of the Harris County Map Records. The new subdivision name is _____.

The property is located (site address, side of street between what street intersections, or a.k.a.).

The purpose of the replat is to _____.

The applicant, _____, on behalf of _____ can be contacted at (telephone number).

Pursuant to Local Government Code 212.015 and the City of Houston's Code of Ordinances, Chapter 42 the Planning Commission has established a public hearing date for this item. As required, the Planning Department is sending you written notice of the public hearing. The requirements for notification specify that notice be mailed to owners of property within the ____ (original subdivision) subdivision boundary that are within 200 feet of the proposed replat.

A sign has been posted on site indicating the public hearing date, location and time. There is a variance being requested on this item.

You may speak regarding this replat at the public hearing on:

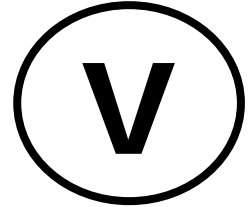
Thursday, (Month, day, year)
2:30 p.m.
City Hall Annex Building, 900 Bagby Street
City Council Chamber, Public Level
Houston, Texas

For additional information contact Planning Department personnel, at 713/837-7701 and ask Carolyn Horner.

- When a variance is requested:
 - (c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.

SAMPLE "C-1"
Adjacent Property Owners Notice Outside the 200' Notification Area But Inside the 250'
Notification Area: VARIANCE

Variance Notice



Date

Dear Property Owner:

Reference number: **xxx**

The Houston Planning and Development Department has received a subdivision plat application and a variance request for property located at (site address, or side of street between what street intersections, a.k.a.). Pursuant to the City of Houston's Code of Ordinances, Chapter 42, the Planning Department is sending you written notice of this request. The requirements for notification specify that notice be mailed to owners of property within 250 feet of the proposed subdivision.

Attached you will find a copy of the variance(s) being requested by the applicant. Additionally, a sign has been posted on site indicating the date, location and time that the Planning Commission will meet to consider this item.

For additional information regarding this item, the applicant, **xxx**, on behalf of **xxx** can be reached at (telephone number).

PLANNING COMMISSION MEETING

Thursday, (date) 2:30 p.m.
City Hall Annex Building, 900 Bagby Street
City Council Chamber, Public Level, Houston, Texas

The Planning and Development Department is currently reviewing this application. A decision regarding this item will be presented at the Planning Commission meeting. To contact Planning Department personnel about this item, dial (713) 837-7701.

SAMPLE "C-2"

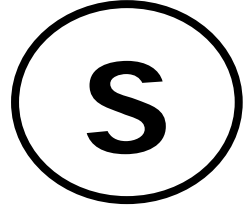
**Adjacent Property Owners Notice Outside the 200' Notification Area But Inside the 250'
Notification Area: SPECIAL EXCEPTION(s)**

Special Exception
Notice

Date

Dear Property Owner:

Reference number: **XXXXX**



The Houston Planning and Development Department has received a subdivision plat application and a special exception request for property located at **(location of plat)**. Pursuant to the City of Houston's Code of Ordinances, Chapter 42, the Planning Department is sending you written notice of this request. The requirements for notification specify that notice be mailed to owners of property within 250 feet of the proposed subdivision.

Attached you will find a copy of the special exception(s) being requested by the applicant. Additionally, a sign has been posted on site indicating the date, location and time that the Planning Commission will meet to consider this item.

For additional information regarding this item, the applicant, **XXX**, on behalf of **XXX** can be reached at **XXXXXXXXX**.

PLANNING COMMISSION MEETING

Thursday, XXX 2:30 p.m.

**City Hall Annex Building, 900 Bagby Street
City Council Chamber, Public Level, Houston, Texas**

The Planning and Development Department is currently reviewing this application. A decision regarding this item will be presented at the Planning Commission meeting. To contact Planning Department personnel about this item, dial (713) 837-7701.

SAMPLE "D"
Legal Notice for Replats *Without* Variance

The Houston Planning Commission has received an application to allow the replatting of _____ being all or part of lot _____ block _____ as recorded in Volume _____ Page _____ of the Harris County Map Records for the purpose of _____. The new subdivision name is _____.

The City will send out written notice of a public hearing to owners of property within the original plat boundary that is within 200 feet of the proposed replat.

You may speak on this replat at the public hearing on _____ at 2:30 p.m. in the City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas. Contact the applicant at _____ or the City of Houston Planning Department at (713) 837-7701 for any additional information.

SAMPLE "E"
Legal Notice for Replats Requiring Variance(s)

The Houston Planning Commission has received an application to allow the replatting of _____ being all or part of lot _____ block _____ as recorded in Volume _____ Page _____ of the Harris County Map Records for the purpose of _____. The new subdivision name is _____.

The City will send out written notice of a public hearing to owners of property within the original plat boundary that is within 200 feet of the proposed replat.

State law allows for protest when the proposed replat requires a variance. The protest must be filed in writing prior to the close of the public hearing. If owners of 20% of the land area within the original plat boundary that is within 200 feet of the replat protest the replat, approval of the replat must receive an affirmative vote of at least three-fourth (3/4) of the Houston Planning Commission Members present. In computing the percentage of land area for the purpose of protest, streets and alleys are included.

You may speak on this replat at the public hearing on _____ at 2:30 p.m. in the City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas. Contact the applicant at _____ or the City of Houston Planning Department at (713) 837-7701 for any additional information.

SAMPLE "F"
SIGN

NOTICE OF PUBLIC HEARING:

The Houston Planning Commission has received an application to allow the replatting of this property within the subdivision of

FULL SUBDIVISION NAME

(lot #, block # recorded at Volume ###, Page ### of the Harris County Map Records).

THE NEW SUBDIVISION NAME IS: _____

A public hearing will be held on MONTH, DAY YEAR at 2:30 p.m.

City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas.

You may contact the applicant at _____ or the Houston Planning and Development Department at (713) 837-7701 for information.

SAMPLE "F-2"

SIGN – Public Hearing AND Variance/Special Exception

NOTICE OF PUBLIC HEARING:

The Houston Planning Commission has received an application to allow the replatting of this property within the subdivision of

FULL SUBDIVISION NAME

(lot #, block # recorded at Volume ###, Page ### of the Harris County Map Records).

THE NEW SUBDIVISION NAME IS: _____


A VARIANCE is being requested with this item

A public hearing will be held on MONTH, DAY YEAR at 2:30 p.m.

City Council Chamber, City Hall Annex, Public Level, 900 Bagby Street, Houston, Texas.

You may contact the applicant at _____ or the Houston Planning and Development Department at (713) 837-7701 for information.

Sign requirements:

- Signs must be posted on the property to be replatted no later than 16 days before the public hearing.
 - The applicant is responsible for contacting staff once the signs are in place.
 - Minimum size: 4' x 8'
 - One sign shall be placed within fifteen feet from each right-of-way bordering the site.
 - Each sign shall face the R-O-W with print large enough to be legible from the R-O-W.
 - The applicant shall use reasonable efforts to maintain the signs.
- 

SAMPLE "G"
Areas of Notification and Related Letters

Not to Scale

